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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Continuation of 11: Applicant primarily argues that important aspects of the invention reside in “the use of the terpene resin A and the aromatically modified terpene resin B... in the weight ratio A/B of 70/30-50/50” and such is not disclosed, suggested, or taught by the prior art references of record. Additionally, applicant argues that an attached declaration provides unexpected results for an adhesive composition including both of the above noted terpene resins.

First, in regards to Table A of the declaration, Comparative Example I cannot be fairly compared to Inventive Example 1 since the loadings of the components forming the thermoplastic elastomer are varied and the types of terpene resin are varied. Thus, it is unclear if any realized benefits are a result of the particular thermoplastic elastomer and/or the use of multiple terpene resins satisfying the claimed loading ratio. Second, a comparison of Comparison Example 2 and Inventive Example 1 does not provide a conclusive showing of unexpected results for a composition having two terpene resins “at the claimed loading ratio”. In particular, the comparative example does not contain two terpene resins at a loading ratio outside of the claimed loading ratio (e.g. greater than 70/30 or less than 50/50). Thus, Table A fail to provide a conclusive showing of unexpected results for the claimed loading ratio.

Also, it is unclear how Table A provides a conclusive showing of unexpected results for the general use of two resins, as compared to one. First, the Comparative Example demonstrates a better self tack, as compared to the Inventive Example. Second, it is unclear if the realized benefit in “tack with carcass” is a result of using two

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resins since it unclear if a composition having 70 phr of modified terpene resin B would demonstrate superior or inferior tack properties.

It is suggested that applicant provide experimentation that clearly demonstrates a conclusive showing of unexpected results for the general use of two terpene resins or the specific use of terpene resins having the claimed loading ratio.

/Justin R Fischer/
Primary Examiner, Art Unit 1791
June 17, 2009